

# **EXHIBIT A**



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2116-CV10056 - TENISHA MAYBERRY V PARTY CITY (E-CASE)

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Document ID - 21-SMCC-4176; Served To - PARTY CITY; Server - ; Served Date - 21-MAY-21; Served Time - 08:08:00; Service Type - Special Process Server; Reason Description - Served; Service Text - LAUREN SHIPLEY - DESIGNEE

05/06/2021  [Summons Issued-Circuit](#)

Document ID: 21-SMCC-4176, for PARTY CITY.

 [Case Mgmt Conf Scheduled](#)

**Scheduled For:** 08/23/2021; 9:00 AM ; JOEL P FAHNESTOCK; Jackson - Kansas City

05/03/2021  [Judge Assigned](#) [Filing Info Sheet eFiling](#)

**Filed By:** CARL WILLIAM BUSSEY

 [Note to Clerk eFiling](#)

**Filed By:** CARL WILLIAM BUSSEY

 [Pet Filed in Circuit Ct](#)

Petition For Malicious Prosecution and False Imprisonment.

**Filed By:** CARL WILLIAM BUSSEY

**On Behalf Of:** TENISHA MAYBERRY

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

TENISHA MAYBERRY )  
10401 Richmond Ave. )  
Kansas City, Missouri 64134 )  
Plaintiff, )  
vs. ) Case NO.:  
PARTY CITY )  
940 NE Sam Walton Lane )  
Lee's Summit, MO 64086 )  
Serve Registered Agent: )  
CSC-Lawyers Incorporating Service Company )  
221 Bolivar Street, )  
Jefferson City, MO 65101 )  
Defendant. )

PETITION FOR MALICIOUS PROSECUTION AND FALSE IMPRISONMENT

Count I – Malicious Prosecution

COMES NOW Plaintiff Tenisha D. Mayberry and for her cause of action against Defendant for Malicious Prosecution, states and alleges as follows:

1. Plaintiff Tenisha Mayberry is a resident of Kansas City, Jackson County, Missouri.
2. Defendant Party City is a foreign corporation doing business at 904 NE Sam Walton Lane, Lee's Summit, MO 64086.
3. On November 21, 2018, Defendant maliciously and without probable cause, commenced an action against Plaintiff in the Circuit Court of Jackson County, Missouri upon a criminal complaint in which it falsely alleged that Plaintiff had on November 21, 2019 forcibly stole a bracelet and necklace owned by Party City at its facility located at NE Sam Walton Lane, Lee Summit, Missouri 64086.
4. Defendant's employee advised prosecuting authorities that plaintiff had forcibly

stolen a bracelet and necklace owned by Defendant and caused a criminal complaint to be filed against plaintiff alleging for Count I that plaintiff had committed the class B felony of robbery in the second degree and for Count II that plaintiff had committed class E felony of unlawful use of a weapon alleging exhibiting a handgun, a weapon readily capable of lethal use, in an angry or threatening manner.

5. That on November 19, 2020 the charge for class B felony robbery was dismissed.

6. By reason of the false and malicious prosecution by defendant, plaintiff has been injured in body and mind, was prevented from following her customary pursuit in her usual occupation, has suffered greatly in her credit and reputation, and has expended large sums of money for her bond, defense and attorney fees.

WHEREFORE, plaintiff requests a judgment against Defendant for damages, together with attorney fees and costs of suit, and such other and further relief as the Court may deem proper.

Count II – False Imprisonment

Comes now plaintiff and for Count II of her petition states the following:

1. Plaintiff restates and realleges all her allegations contained in Count I, paragraphs 1 to 6.

2. That based on defendant's allegations a probable cause statement was filed with the Court stating that plaintiff had committed the criminal offense charged by the State causing a warrant for the arrest of plaintiff for Robbery-2<sup>nd</sup> Degree, Felony B, and unlawful exhibiting of a fire arm, Felony E.

3. That plaintiff was arrested and had to post bond in the amount of \$10,000.00 at 10 per cent.

4. That as a result of the unlawful imprisonment plaintiff was subjected to great

humiliation and mental suffering, and has become nervous and apprehensive.

5. That the actions of Defendant were done maliciously and with specific intent to harm plaintiff in her occupation and reputation

WHEREFORE, Plaintiff requests judgment against Defendant for damages, together with attorney fees and costs, and such other and further relief as the Court may deem proper.

Respectfully submitted,

/s/Carl W. Bussey  
Carl W. Bussey #24765  
1301 Oak St., Suite 300A  
Kansas City, MO 64106  
(816) 474-3440  
Fax: (816) 474-7013  
[carlwbussey@yahoo.com](mailto:carlwbussey@yahoo.com)

Attorney for Plaintiff



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: <b>JOEL P FAHNESTOCK</b>	Case Number: <b>2116-CV10056</b>
Plaintiff/Petitioner: <b>TENISHA MAYBERRY</b>	Plaintiff's/Petitioner's Attorney/Address <b>CARL WILLIAM BUSSEY</b> 1301 OAK ST SUITE 300 A KANSAS CITY, MO 64106
vs. <b>PARTY CITY</b>	Court Address: <b>415 E 12th</b> <b>KANSAS CITY, MO 64106</b>
Defendant/Respondent: <b>CC Other Tort</b>	
Nature of Suit:	
	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: **PARTY CITY**

Alias:

R/A CSC-LAWYERS INC SERVICE CO  
221 BOLIVAR ST  
JEFFERSON CITY, MO 65101



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

06-MAY-2021  
Date

  
Clerk

Further Information:

### Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

- (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ \_\_\_\_\_ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

[16thcircuit.org](http://16thcircuit.org) → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**TENISHA MAYBERRY**

**PLAINTIFF(S),  
VS.**

**CASE NO. 2116-CV10056  
DIVISION 9**

**PARTY CITY**

**DEFENDANT(S),**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JOEL P FAHNESTOCK** on **23-AUG-2021** in **DIVISION 9** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

## **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

## **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

/S/ JOEL P FAHNESTOCK  
**JOEL P FAHNESTOCK, Circuit Judge**

### Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### Attorney for Plaintiff(s):

**CARL WILLIAM BUSSEY, 1301 OAK ST, SUITE 300 A, KANSAS CITY, MO 64106**

#### Defendant(s):

**PARTY CITY**

Dated: **06-MAY-2021**

**MARY A. MARQUEZ**  
Court Administrator



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JOEL P FAHNESTOCK	Case Number: 2116-CV10056
Plaintiff/Petitioner: TENISHA MAYBERRY	Plaintiff's/Petitioner's Attorney/Address CARL WILLIAM BUSSEY 1301 OAK ST SUITE 300 A KANSAS CITY, MO 64106
vs. Defendant/Respondent: PARTY CITY	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Other Tort	

RECEIVED

MAY 20 2021

COLE COUNTY  
SHERIFF'S OFFICE

FILED (Date File Stamp)

**Summons in Civil Case**

DEPT OF CIVIL RECORDS  
COURT ADMINISTRATORS OFFICE

The State of Missouri to: PARTY CITY

Alias:

R/A CSC-LAWYERS INC SERVICE CO  
221 BOLIVAR ST  
JEFFERSON CITY, MO 65101

JUN - 1 2021

CIRCUIT COURT OF JACKSON CO, MO  
By \_\_\_\_\_ DCA



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

06-MAY-2021  
Date

Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to

Lauren Shipley (name) Debtormee (title).

other \_\_\_\_\_

Served at 350 E High (Lobby) (address)

in Colo (County/City of St. Louis), MO, on 5/21/21 (date) at 8:08 AM (time).

Sherry John P. Wheeler By Dep. Sheriffing 36 Signature of Sheriff or Server

Printed Name of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

05/21/2021  
#30